

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION )  
OF TRACTEBEL ENERGY SERVICES, INC., )  
FOR A CERTIFICATE TO PROVIDE ELECTRIC ) PSC DOCKET NO. 04-325  
SUPPLY SERVICE WITHIN THE STATE OF )  
DELAWARE (FILED AUGUST 26, 2004) )

ORDER NO. 6514

# ELECTRIC SUPPLIER CERTIFICATE

This 23<sup>rd</sup> day of November, 2004, the Commission determines and Orders the following:

1. In the Electric Restructuring Act of 1999 (72 Del. Laws Ch. 10), the General Assembly instituted a new regime to govern the generation, supply, and sale of electricity within this State. Regulation of the supply of electricity will, at various times, end and be replaced with the opportunity for retail customers to purchase electric supply from a supplier competing in an essentially non-supervised market. Thus, beginning on October 1, 1999, the generation, supply, and sale of electricity (including all related facilities and assets) is, and will be, no longer regulated by the Commission as a public utility service or function. 26 Del. C. § 1003(a).

2. Under the Act, every Electric Supplier seeking to provide Electric Supply Service under this new regime must obtain an Electric Supplier certificate from the Commission. 26 Del. C. § 1012(a). Pursuant to the authority granted by 26 Del. C. § 1012(a) and (b), the Commission has adopted, in Regulation Docket No. 49, "Rules for the Certification and Regulation of Electric Suppliers" ("ES Rules"). See

PSC Order No. 5207 (Aug. 31, 1999) (adopting initial ES Rules). The ES Rules set forth the criteria for Electric Supplier certification and lay the ground rules for how certificated Electric Suppliers must operate within the new competitive regime.

3. On August 26, 2004, Tractebel Energy Services, Inc., filed an application to be certificated as an Electric Supplier to provide Electric Supply Service to Customers within this State. Staff reports that the application filed by Tractebel Energy Services, Inc., meets all the criteria set forth in Section II of the ES Rules and that Tractebel Energy Services, Inc., appears to possess the financial, operational, managerial, and technical capabilities to offer Electric Supply Service to Customers.<sup>1</sup> In light of Staff's recommendations, the Commission hereby grants an Electric Supplier Certificate to Tractebel Energy Services, Inc.

Now, therefore, **IT IS ORDERED:**

1. That Tractebel Energy Services, Inc., is hereby granted, under 26 Del. C. § 1012(a) and Section II of the "Rules for the Certification and Regulation of Electric Suppliers," a certificate to do business, and operate, as an Electric Supplier within this State. Under this certificate, Tractebel Energy Services, Inc., is authorized to provide Electric Supply Service to Customers within this State in accord with 26 Del. C. Chapter 10.

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<sup>1</sup> Notice of such application by Tractebel Energy Services, Inc., was published in The News Journal newspaper on October 19, 2004 and the Delaware State News newspaper on October 20, 2004. No objections to the application were received. Notice of the Commission's intent to grant Tractebel Energy Services, Inc., a final Electric Supplier Certificate was posted on the

2. That Tractebel Energy Services, Inc., shall at all times provide Electric Supply Service in accord with the requirements imposed by 26 Del. C. Chapter 10 and the Commission's "Rules for the Certification and Regulation of Electric Suppliers," as presently adopted, or as may be hereafter amended or supplemented. Tractebel Energy Services, Inc., is hereby notified that a violation of such statute or such rules may be enforced by the sanctions permitted by 26 Del. C. § 1012(a) and Section X ¶ 2 of the "Rules for the Certification and Regulation of Electric Suppliers."

3. That Tractebel Energy Services, Inc., shall, pursuant to the provisions of 26 Del. C. § 1012(c)(2) and Section III ¶ 10 of the "Rules for the Certification and Regulation of Electric Suppliers," file such returns and pay such assessments as may be required, or may be imposed, by 26 Del. C. §§ 114 and 115.

4. That Tractebel Energy Services, Inc., shall, pursuant to Section II ¶ 1(i) and Section III ¶ 4 of the "Rules for the Certification and Regulation of Electric Suppliers," file with the Commission a standard form of contract for each class of customers to which it intends to offer Electric Supply Service. Such form of contract shall be filed with the Commission at least twenty-one (21) days prior to Tractebel Energy Services, Inc.'s offering Electric Service Supply to such class of customers under such standard form of contract.

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Commission's Internet website at "[www.state.de.us/delpsc](http://www.state.de.us/delpsc)." Again, no objections have been received in response to that notice.

5. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae  
Chair

/s/ Joshua M. Twilley  
Vice Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Donald J. Puglisi  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

ATTEST:

/s/ Norma J. Sherwood  
Acting Secretary